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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------------|------------------------|
| 09/950,005  | 09/12/2001  | Robert W. Baynes JR. | 1933.0050001                    | 9238                   |
| 82515   | 7590        | 12/03/2009           |                                 |                        |
| Sterne, Kessler, Goldstein & Fox P.L.L.C.<br>1100 New York Avenue, N.W.<br>Washington, DC 20005 |             |                      | EXAMINER<br>SHINGLES, KRISTIE D |                        |
|   |             |                      | ART UNIT<br>2444                | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>12/03/2009         | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**SUPPLEMENTAL  
Notice of Allowability**

**Application No.**

09/950,005

**Examiner**

KRISTIE D. SHINGLES

**Applicant(s)**

BAYNES ET AL.

**Art Unit**

2444

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/31/2009.
2. ☒ The allowed claim(s) is/are 16,21,30,37,38,43,44,46,47,50,63-68 and 88-93.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/William C. Vaughn, Jr./  
Supervisory Patent Examiner, Art Unit 2444

**DETAILED ACTION**

**Per Applicant's Amendment after Notice of Allowance**

Claims 16, 21, 30, 50 and 90-92 have been amended.

Claims 1-15, 17-20, 22-29, 31-36, 39-42, 45, 48, 49, 51-62 and 69-87 have been cancelled.

Claims 16, 21, 30, 37, 38, 43, 44, 46, 47, 50, 63-68 and 88-93 are pending.

Claims 16, 21, 30, 37, 38, 43, 44, 46, 47, 50, 63-68 and 88-93 are allowed.

**Response to Amendments**

I. Applicant's remarks filed 8/31/2009 with respect to Claims 16, 21, 30, 50 and 90-92 have been fully considered and are persuasive. The claim amendments are for clarification and grammatical correction and do not present any new matter. The amendments have therefore been entered by the Office and are to replace all prior amendments made by the Applicant and the examiner.

**Reasons for Allowance**

The following is an Examiner's statement of reasons for allowance

II. The prior art fails to teach or suggest the features of: storing a first data object on the first device in a first device-specific representation, wherein the second device stores a second data object corresponding to the first data object in a second device-specific representation, wherein the second representation differs from the first device-specific representation; receiving information regarding a state of data stored on the second device; generating a modification event representative of a modification made to the first data object on the first device;

determining whether the generated modification events conflict with one or more other modification events; determining that the second device has transitioned from an off-line state to an on-line state; generating a batch of information based at least on the received state of data stored on the second device, wherein the batch of information comprises the generated modification events if the generated modification events do not conflict with said one or more other modification events; delivering said batch of information to the second device; wherein the second device processes the batch of information, wherein the second device parses the modification events to recover the modifications to the first data object on the first device, wherein the second device stores the recovered modifications; and updating, at the first device, the state of data on the second device based on a confirmation received from the second device, wherein the received confirmation indicates at least that the modification event was successfully parsed by the second device (for support, see Specification pages 23-32).

In particular, the limitations of a first device storing data objects in a device specific representation, while delivering modifications of the data objects as a batch in a different device-specific format, and determining if the modification data conflicts with other modification data, and if so resolving the conflict by generating new modified content; are not specifically taught by the prior art singly or in combination such that the claimed invention would have been anticipated or made obvious to one of ordinary skill in the art. Applicant's arguments further clarify the distinctions between the claim language and the prior art and are thus relied upon by the Examiner as sufficient reasons for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e) (see MPEP 13202.14). A review of Claims 16, 21, 30, 37, 38, 43, 44, 46, 47, 50, 63-68 and 88-93, in view of the Examiner's remarks above, indicates that these claims are

therefore allowable over the prior art of record.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

**III.** Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The Examiner can normally be reached on Monday-Friday 8:30-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie D. Shingles  
Examiner  
Art Unit 2444

*/KDS/  
/William C. Vaughn, Jr./*

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*Supervisory Patent Examiner, Art Unit 2444*